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ABSTRACT

This document contains the components of the National Educational Opportunities Act of 1975. Among the purposes of this Act are the provision for a viable mechanism for States and their local educational systems to implement the national policy on equal educational opportunity, the improvement of results achieved by elementary and secondary education throughout the nation, the facilitation of the reduction in the concentration of children from minority groups and low-income families in certain schools, including prevention of resegregation after desegregation has been achieved, and the reduction and elimination of any educational ill-effects resulting from the concentration of children from minority groups and low-income families in schools where such concentrations are found to exist. Title II provides the guidelines to be followed by State equal educational opportunities plans, and Title III contains such items as the general provisions and definitions for terms such as minority students, low-income families, local educational agencies, desegregation, and basic supportive services. (Author/AM)

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94TH CONGRESS
1ST SESSION

H. R. 10146

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 1975

Mr. PREYER (for himself, Mr. HAMILTON, and Mr. SYMINGTON) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide for affording equal educational opportunities for students in the Nation's elementary and secondary schools.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Educational Opportunities Act of 1975".

STATEMENT OF FINDINGS

SEC. 2. The Congress finds that—

(a) as a matter of high priority, the Nation's goal of equal educational opportunity requires that it be the policy of the United States of America that every citizen is entitled to an education to meet his or her full potential without discriminatory barriers to success;

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(b) the maintenance of dual school systems or practices which result in the assignment of students to school on the basis of race, color, or national origin denies to those students an equal educational opportunity by violating the equal protection of the laws guaranteed by the fourteenth amendment to the Constitution;

(c) fundamental changes in educational policy and practice must be institutionalized in the basic planning of the State and local educational agencies for effective implementation of quality education with equal educational opportunities for all students regardless of race, color, or national origin;

(d) neither the Congress, the President, nor the judiciary has established a clear, uniform, and reasonable definition of a unitary school system in which equal educational opportunity exists, nor has any branch of the Federal Government established clear, uniform, and reasonable guidelines for fashioning fundamental, comprehensive remedies to correct a denial of equal educational opportunity or the equal protection of the laws;

(e) while some States and their local educational systems have desegregated under court order or agency mandate and have begun a unitary school experience, other States and their local educational systems face

further lengthy litigation to determine if their status is truly unitary before the eyes of the courts;

(f) extensive use of crosstown transportation plans to achieve a unitary school system constitute at best only a partial solution to segregated schools and the denial of equal educational opportunity, especially in light of the failure of such plans to grapple with questions of educational quality with equal educational opportunities and with the problems resulting from resegregation; and

(g) as the demography of the Nation continues to change, local educational systems are not required by the Constitution to make year-by-year adjustments of the racial composition of student bodies, once the affirmative duty to desegregate has been fulfilled and racial discrimination through official action in public schools has been eliminated.

PURPOSE

SEC. 3. It is the purpose of this Act to—

(a) establish a national policy on equal educational opportunities that delineates the fundamental prerequisites for a desegregated, unitary school system;

(b) provide a viable mechanism for States and their local educational systems to implement meaningfully the national policy on equal educational opportunity;

(c) improve the results achieved by elementary

and secondary education throughout the Nation and to encourage and support efforts to reduce achievement disparities between racial and socioeconomic groups in the schools;

(d) facilitate, where possible, consistent with the objectives stated in subsection (c), a reduction in the concentration of children from minority groups and low-income families in certain schools, including prevention of resegregation after desegregation has been achieved, primarily by means other than extensive crosstown transportation; and

(e) reduce and eliminate any educational ill effects resulting from the concentration of children from minority groups and low-income families in schools where such concentration persists.

TITLE I—DEFINITION AND GUARANTEE OF A UNITARY SCHOOL SYSTEM AND EQUAL EDUCATIONAL OPPORTUNITY

SEC. 101. Each State and its local educational agencies shall establish and maintain desegregated, unitary school systems which offer equal educational opportunities to all students, regardless of race, color, or national origin.

SEC. 102. A desegregated unitary school system shall be presumed to exist unless a State or local educational

agency denies equal educational opportunities to an individual on account of race, color, or national origin by—

(a) deliberate segregation of students on the basis of race, color, or national origin among or within schools or school districts;

(b) failure in situations in which such deliberate segregation has occurred, or is occurring, to take affirmative steps to remove the vestiges of discrimination due to official action;

(c) construction, abandonment, alteration, or other siting of school facilities within a school district, or across school districts, with the intent of, or having the natural, probable, foreseeable or actual effect of increasing segregation of students on the basis of race, color, or national origin;

(d) creation of attendance zones or the establishment of attendance policies, including but not limited to optional attendance zones, open enrollment, or free transfer programs and feeder patterns, with the intent of, or having the natural, probable, foreseeable, or actual effect of increasing segregation of students on the basis of race, color, or national origin within a school district, or across school districts;

(e) transfer of a student to a school outside the at-

tendance zone in which he resides with the intent of, or having the natural, probable, foreseeable, or actual effect of, increasing segregation of students on the basis of race, color, or national origin within a school district, unless such effect is unavoidably necessitated by sound nonracial educational considerations;

(f) failure to take appropriate action to attempt to overcome language barriers, or cultural, social, economic, or other deprivations that impede equal participation by students in instructional programs of educational agencies;

(g) discrimination on the basis of race, color, or national origin in the employment, employment conditions, or assignment to schools of faculty and staff; and

(h) maintenance of criteria or methods of administration which have the effect of subjecting individuals to discrimination or have the effect of defeating or substantially impairing accomplishment of the objectives of the school district's educational program as respect individuals of a particular race, color, or national origin.

SEC. 103. (a) Subject to subsection (b), all States and local educational agencies shall provide to any student, regardless of race, color, or national origin, the right, at the beginning of any school year, to transfer from a school to which he or she has been assigned or would in the regular

course be assigned and in which his or her race is in a majority to a school in which his or her race is a minority, if the school to which transfer is requested offers education in the grade equivalent to that from which the student transfers.

(b) The local educational agency may postpone a student's privilege to exercise the right granted by subsection (a) for a reasonable period of time while the most rapid feasible effective measures are taken to alleviate conditions of overcrowding in the school to which transfer is requested.

(c) Transportation which may be required to effectuate the right of transfer under this section shall be provided by the local educational agency.

SEC. 104. No local educational agency shall deny equal educational opportunity to an individual on account of race, color, or national origin by maintenance of practices or provision of resources in schools in which minority students are concentrated that are less favorable for educational success and advancement than in schools attended primarily by students of any other race, color, or national origin. Examples of equal educational opportunity include, but are not limited to—

(a) comparative overcrowding of classes, facilities, and activities;

(b) assignment of fewer or less qualified teachers and other professional staff;

(c) provision of less adequate curriculums and extracurricular activities or less adequate opportunities to take advantage of the available activities and services, including failure to provide programs of bilingual education in those schools with significant numbers of children with limited English-speaking ability;

(d) provision of less adequate student services such as guidance and counseling, job placement, vocational training, medical services, and remedial work;

(e) assigning heavier teaching and other professional assignment to school staff;

(f) maintenance of higher pupil-teacher ratios;

(g) provision of facilities (classrooms, libraries, laboratories, cafeterias, athletic and extracurricular facilities), instructional equipment and supplies, and textbooks in a comparatively insufficient quantity; and

(h) provision of building, facilities, instructional equipment and supplies, and textbooks which, comparatively, are poorly maintained, outdated, temporary, or otherwise inadequate.

SEC. 105. The Secretary shall issue regulations further setting forth measures to be taken by the States and local educational agencies to come into compliance with this title.

SEC. 106. (a) Any person or persons alleging, or the

Attorney General if he has reasonable cause to believe, that any policy or measure of a local educational agency, agencies, or State violates section 101, 102, 103, or 104 of this title may bring a civil action in the appropriate United States district court for equitable relief, including an application for a permanent or temporary injunction, or other order. If the court finds that such policy or measure exists, it shall order the rescinding of such policy or measure, and shall order affirmative action to be taken to cure present effects caused by such policy or measure.

(b) In any action commenced under this section, the court may allow the moving party, other than the United States, a reasonable attorney's fee as part of the costs, if such party or parties prevail in the action. Where the prevailing party is the defendant, the court may allow such prevailing party a reasonable attorney's fee as part of the cost upon a finding that the proceedings were unnecessary to bring about compliance.

(c) Where any State or local educational agency is a recipient of Federal financial assistance, any policy or measure which violates this title shall also be deemed to constitute a violation of section 601 of the Civil Rights Act of 1964, whether or not a civil action with respect to such violation has been brought under this section.

TITLE II—STATE EQUAL EDUCATIONAL OPPORTUNITIES PLANS

SEC. 201. (a) Each State shall prepare and submit to the Secretary for his approval, in accordance with regulations issued by him, a plan to carry out the purpose of this Act as stated in section 3.

(b) The plans of Virginia and Maryland shall take account of the areas of the District of Columbia nearest to each and shall be worked out in consultation with the local educational agency of the District of Columbia.

SEC. 202. The plan submitted by each State shall provide for—

(a) the establishment of a State advisory council which shall be appointed by the Governor and which shall—

(1) include as members educators, parents, and representatives of the general public, and shall be so constituted that parents of children attending public schools constitute at least a majority of such membership, and that parents of children from minority groups are represented in an approximately proportionate number to the number of minority group children in the school age population of the State;

(2) advise the State educational agency on the development of and policy matters arising in the

administration of the State plan submitted pursuant to section 201 of this title;

(3) prepare and submit through the State educational agency to the Secretary an annual evaluation report accompanied by such additional comments of the State agency as it deems appropriate, which evaluates the progress made in that year by the State in achieving the purpose of this Act;

(b) the establishment of local advisory committees which shall—

(1) include as members, parents of children attending public schools, and shall be so constituted that parents of children from minority groups are represented in an approximately proportionate number to the number of minority group children in the school age population of the local educational agency; and

(2) advise the local educational agency on its participation in the State plan, including written comments to the State on the local educational agency's submission.

SEC. 203. The plan submitted by each State shall—

(a) be submitted to the Secretary by January 31, 1977,

(b) be developed in consultation with local educational agencies and the State advisory council, and

(c) define goals consistent with the purpose of this Act as set forth in section 3, and provide for attaining such goals by a date approved by the Secretary, but in no event later than August 31, 1982.

SEC. 204. Such State plans shall include specific means for implementing some or all of the following components: *Provided,* That whatever components constitute the State plans, they contribute annually to achieving substantially comparable levels of educational achievement by all students, regardless of race, color, or national origin, or that they insure such comparable levels of educational achievement as a result of the ultimate implementation of the plan.

(a) (1) A majority transfer plan on both an intradistrict and interdistrict basis. Such majority transfer plans shall include—

(A) provision for transportation of any student voluntarily requesting to transfer from a school to which he or she has been assigned or would in the regular course be assigned, and in which his or her race is in a majority, to a school in which his or her race is a minority, if the school to which transfer is requested offers education at the grade equivalent to that from which the student transfers;

(B) provision for professional and paraprofessional staff for guidance, counseling, and other special or compensatory services to children transferred in programs authorized by this subsection;

(C) provision for reimbursement of any school district receiving students from another school district participating in a transfer program authorized by this subsection in an amount equal to the sum of—

(i) not less than 70 per centum and not more than 110 per centum of the average basic expenditure per pupil for all students in such receiving district financed from local revenue sources multiplied by the number of students received by such district pursuant to programs authorized by this subsection; and

(ii) not less than 70 per centum and not more than 110 per centum of the average expenditure per pupil incurred by such district for programs established pursuant to subsection (a) (1) (B) multiplied by the number of students received by such district as determined in subsection (a) (1) (C) (i) above: *Provided,* That no school district shall be eligible for reimbursement under subsection (a) (1) (C) (i) unless it carries on a program for the bene-

fit of transferring students pursuant to subsection (a) (1) (B).

(2) The Secretary shall publish, and from time to time revise, guidelines and standards for the implementation of this section not more than one hundred and twenty days from the date of enactment, including—

(A) reasonable standards and guidelines regarding contiguity and distance between schools, attendance zones, and school districts under which any majority transfer program established pursuant to this subsection may be effectuated; and

(B) such other regulations and guidelines as may be necessary to carry out the purposes and any provisions of this subsection.

(b) (1) An open communities educational resources compensation program which shall provide for payments to any school district in which students from minority families comprised not more than 10 per centum of total school enrollment during the school year 1976–1977, or in which students from low-income families comprised not more than 10 per centum of total enrollment in such district during such year, in an amount equal to the sum of—

(A) not less than 70 per centum and not more than 110 per centum of the average basic expenditure per pupil for all students in such district financed from

local revenue sources multiplied by the difference of the number of students from families specified in subsection (b) (1) enrolled in such district during any school year, and the number of students from such families enrolled in such district during the school year 1976–1977, if the latter is smaller; and

(B) not less than 70 per centum and not more than 110 per centum of the average per pupil expenditure of any program that may be established by such school districts pursuant to the provisions of subsection (a) (1) (B), multiplied by the difference of the number of students from families specified in subsection (b) (1) enrolled in such district during any school year and the number of students from such families enrolled in such district during the school year 1976–1977, if the latter is smaller: *Provided,* That, for the purposes of computations pursuant to subsection (b) (1), students from low-income families who are also members of minority groups shall not be counted more than once.

(2) Beginning after the school year 1980–1981, the base year for computations under subsections (b) (1) (A) and (b) (1) (B) shall be increased by one year for each year that the current school year exceeds such year.

(3) The Secretary shall publish, and from time to time revise, such guidelines as may be necessary to effectively

carry out this subsection not more than one hundred and eighty days after enactment.

(c) (1) A school district reorganization plan which may include—

(A) redrawing zone boundaries, pairing, and clustering schools, establishing magnet schools, and such other features as may be determined by the Secretary to be consistent with the objectives set forth in section 3 of this Act; and

(B) cooperative arrangements between school districts, where factors of distance, locations, and contiguity make this feasible, for common use of existing school facilities and for the construction of new joint facilities.

(2) State plans including a component pursuant to this subsection shall provide for payments to school districts in an amount equal to the sum of—

(A) not less than 70 per centum and not more than 110 per centum of the difference of the average operating expenditure per pupil, including transportation costs, for all students in such district financed from local revenue sources during the school year 1976–1977, or the school year next preceding the implementation of a plan pursuant to this subsection, whichever is later, and the average operating expenditure, including transportation costs, financed from local revenue sources for

students directly participating in a program pursuant to this subsection during any school year multiplied by the number of such students; and

(B) not more than 35 per centum of any capital costs, including expenditures for new school facility construction, or for rehabilitation, renovation, or restructuring of existing facilities that may be directly incurred in the implementation of a program pursuant to this subsection.

(3) For the purpose of making computations for payments under this subsection—

(A) computations under subsection (c) (2) (A) of the average per pupil operating expenditure for the base period, whether the school year 1976–1977 or the year next preceding the implementation of a plan pursuant to this subsection, whichever is later, shall be made separately for each school district participating in a cooperative arrangement pursuant to subsection (c) (1) (A), and the multiplicand shall be the number of students participating in such cooperative arrangement who would have in the ordinary course attended schools operated solely by such district; and

(B) beginning after the school year 1980–1981, the base year for computations under this subsection, if such base year is the school year 1976–1977, shall be in-

creased by one year for each year that the current school year exceeds such year.

(4) The Secretary shall publish, and from time to time revise, such guidelines and regulations as may be necessary to carry out the purposes of this subsection not more than one hundred and eighty days after enactment.

(d) (1) An approved, concentrated compensatory education program. State plans containing components pursuant to this subsection shall provide that—

(A) expenditures under this subsection shall be made only—

(i) in school districts which are eligible for a basic grant during any year under title I of the Elementary and Secondary Education Act of 1965; and

(ii) in schools, in school districts meeting the above requirement, in which a substantial proportion of the students enrolled are from low-income families, as that proportion may be defined by the Secretary, but in no case shall the proportion of students be less than 25 per centum of total enrollment in such schools;

(B) average expenditures per pupil for students enrolled in schools or school districts participating in programs pursuant to this subsection shall increase with the

proportion of students from low-income families enrolled in such schools or school districts according to a schedule and such other guidelines as the Secretary may establish;

(C) average expenditures per pupil for compensatory programs established pursuant to this subsection shall be at least equal to a minimum effective threshold level established by the Secretary, but in no case shall such minimum effective threshold level be less than 30 per centum of the average basic per pupil expenditure for all students in the school district in which such school is located: *Provided*, That expenditures under titles I and III of the Elementary and Secondary Education Act or any other comparable Federal or State compensatory or enrichment program, which meet the requirements of subsection (d) (1) (D) (ii) below may be considered as expenditures under this subsection;

(D) expenditures for programs pursuant to this subsection shall—

(i) be made only for basic instructional programs, supportive services, and vocational guidance; and

(ii) be made only for programs and learning approaches that the Secretary has certified as having ability or potential for improving the achieve-

ment performance of educationally deprived students;

(2) Not later than one hundred days after the enactment of this title the Secretary shall publish, and thereafter from time to time revise, giving appropriate notice to all affected parties, such regulations and guidelines as are specified in subsections (d) (1) (A) (ii), (d) (1) (B), (d) (1) (C), (d) (1) (D) (i), (d) (1) (D) (ii) of this section and such other regulations as he may deem necessary in his discretion to effectively carry out the purposes of this subsection.

SEC. 205. State plans submitted pursuant to this title shall—

(a) assure that in each year of operation of the plan substantial progress will be made toward meeting the purpose of the Act;

(b) specify how additional State financial assistance will be made available to local educational agencies undergoing desegregation pursuant to a court order, a plan approved in accordance with title VI of the Civil Rights Act of 1964, or an order issued by a State agency or official of competent jurisdiction;

(c) specify how programs now funded under the Elementary and Secondary Education Act of 1965, or any other federally funded program for educational enrichment or desegregation assistance, are fitted into,

coordinated with, and utilized to advance the purpose of the Act through, operation of the plan;

(d) specify the procedures to be used by the State educational agency in coordinating the efforts of the local educational agencies desegregating (as specified in subsection (e)) or voluntarily integrating;

(e) specify what procedures will be used by the State educational agency for involving on an equitable basis children enrolled in private nonprofit schools in the programs funded under this title to the extent that their participation will assist in achieving the purpose of the Act; and

(f) assure that the State educational agency will require each local educational agency to report to it annually on its implementation of the State plan, and that the State agency will report annually to the Secretary on the State's overall implementation of its plan.

SEC. 206. (a) (1) There are authorized to be appropriated for carrying out this title not in excess of $200,000,000 for fiscal year 1977, $500,000,000 for fiscal year 1978, and $500,000,000 for each fiscal year for the next three fiscal years thereafter.

(2) The Secretary shall allot—

(A) from the sum appropriated under paragraph (1) above for fiscal year 1977 an amount equal to—

(i) eighty-five per centum of such sum among the States so that the amount allotted to each State bears the same ratio to such sum as the aggregate number of minority group children aged five to seventeen, inclusive, in such State bears to the aggregate number of such children in all the States, to be used for the purpose of developing a State plan pursuant to this part;

(ii) fifteen per centum of such sum to other public and private agencies that may provide assistance to the States in developing plans and in preparing to implement plans pursuant to this part;

(B) from the sums appropriated under paragraph (1) above for the fiscal year 1978 and each fiscal year thereafter, an amount equal to—

(i) sixty-five per centum of such sum, to be known as a basic grant, among qualifying States so that the amount allotted to each qualifying State bears the same ratio to such sum as the aggregate number of minority group children aged five to seventeen, inclusive, in such qualifying State bears to the aggregate number of such children in all qualifying States;

(ii) thirty per centum of such sum, to be known as a supplemental grant, among qualifying States

so that the amount allotted to each qualifying State bears the same ratio to such sum as the aggregate number of minority group children, aged five to seventeen, inclusive, in such qualifying State bears to the aggregate number of such children in all qualifying States; and

(iii) five per centum of such sum to other public and private agencies that may provide assistance to States in planning, implementing, revising, and evaluating plans pursuant to this Act.

(3) A State shall qualify to receive—

(A) a basic grant under subsection (a) (2) (B) (i) during the fiscal year 1978 and any year thereafter, if it has submitted a plan that contains at least two components provided by section 204 which comply with any applicable regulations issued by the Secretary pursuant to section 207 below; and

(B) a supplemental grant under subsection (a) (2) (B) (ii) during fiscal year 1978 and any fiscal year thereafter, if it has submitted a plan which places primary and substantial emphasis on programs pursuant to section 204 (c), which comply with any applicable regulations issued by the Secretary pursuant thereto, and which has been approved by the Secretary pursuant to section 207 below.

(b) All sums appropriated under the Elementary and Secondary Education Act of 1965, and all other Federal enrichment or desegregation assistance funds shall be allotted to implement the approved plans.

(c) No funds granted under this part may be used to supplant State or local educational funds being expended, or that would have been expended, absent the grant, in or for public schools or to assist any private school directly.

(d) The Secretary shall publish, and from time to time revise, such regulations as may be necessary to effectively carry out this section, including definitions and criterion for eligibility for supplemental grants under the "primary and substantial" requirement of subsection (a) (3) (B), within one hundred and eighty days of the enactment of this Act.

SEC. 207. (a) The Secretary shall approve any State plan which meets the requirements of sections 201 through 205 of title II of this Act any applicable guidelines and regulations issued by the Secretary pursuant thereto, and shall not finally disapprove any such plan without first affording the agency administering the plan reasonable notice and an opportunity for a hearing.

(b) Whenever the Secretary, after reasonable notice and opportunity for a hearing—

(1) disapproves a plan pursuant to subsection (a), or

(2) finds:

(i) that no plan has been submitted by a State,

(ii) that a State plan approved under subsection (a) has been so changed that it no longer complies with the requirements of sections 201 through 205 of title II of this Act,

(iii) that in the administration of such a plan there is a failure to comply substantially with any such provisions, or

(iv) that a grantee is in violation of section 206 (c) of title II of this Act,

the Secretary shall notify the grantee that further payments will not be made to the grantee under this title, under title I of the Elementary and Secondary Education Act of 1965, title III of the Elementary and Secondary Education Act of 1965, or any other educational enrichment or desegregation assistance program until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Secretary shall make no further payments under such titles.

SEC. 208. (a) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan under section 207 (a) or with his final action under section 207 (b), such State may, within sixty days after notice of such action, file with the United States court of

appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

SEC. 209. Nothing in this title prohibits an educationl agency from proposing, adopting, requiring, or implementing any plan of desegregation, otherwise lawful, which goes beyond what can be required under this Act, nor shall any

court, department, or agency of the United States be prohibited from approving implementation of such a plan, if such a plan is voluntarily proposed by the appropriate educational agency.

TITLE III—GENERAL PROVISIONS AND DEFINITIONS

SEC. 301. (a) The term "minority students" or "minority group" means Negroes, American Indians, Hispanic-Americans, and Asians.

(b) The term "low-income family" means any family that has an annual income during any year which is below the "weighted average thresholds at the low-income level" as determined by the Bureau of the Census of the United States Department of Commerce. For the purposes of this Act the Secretary shall publish, not later than six months preceding the beginning of any school year, a schedule of low-income family definitions by family size, type, and by place based on the latest available data from the Bureau of the Census.

(c) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control, or direction, of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts

or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies.

(d) The term "school" means a school which provides elementary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(e) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(f) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

(g) The term "State" means one of the fifty States or the District of Columbia.

(h) The term "segregation" means the operation of a school system in which students are separated among the schools of an educational agency or within a school or school districts, as a result of actions and practices, both past or present, by such agency, on the basis of race, color, or national origin.

(i) The term "desegregation" means any actions by an educational agency successfully undertaken to correct and

remove the vestiges of segregation as it is defined in subsection (h) above.

(j) An educational agency shall be deemed to transport a student if any part of the cost of such student's transportation is paid by such agency, either directly from revenues raised from local sources or indirectly from revenues or grants from other agencies of government.

(k) The term "basic instruction programs" means instructional services in the field of mathematics or language skills which meet standards the Secretary may prescribe.

(l) The term "basic supportive services" means noninstitutional services such as counseling, curriculum guidance, and health or nutritional services as prescribed by the Secretary.

(m) Expenditures for basic instructional programs or basic supportive services do not include expenditures for administration, operation, and maintenance of plant, or for capital outlay, or such other expenditures as the Secretary may prescribe.

(n) The term "average basic expenditure per pupil" means the average expenditure per pupil for all educational costs incurred by the district other than costs for any compensatory program under titles I and III of the Elementary and Secondary Education Act of 1965, or any other com-

parable Federal or State compensatory or enrichment programs, as these may be specified by the Secretary.

SEC. 302. Such portion as the Secretary may determine, but not more than 1 per centum of any appropriation under this Act for any fiscal year shall be available to him under section 206(a)(2)(B)(ii) for evaluation (directly or by grant or contract) of the programs, activities, and projects authorized by this Act.